



David B. Cohen

## CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development

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Public Hearing Date: October 10, 2006  
Land Use Action Date: December 5, 2006  
Board of Aldermen Action Date: December 18, 2006  
90-Day Expiration Date: January 8, 2007

TO: Board of Aldermen

FROM: Michael Kruse Director of Planning and Development  
Nancy Radze Chief Planner  
Jean Fulkerson, Principal Planner

DATE: October 6, 2006

SUBJECT: #312-06 WILLIAM S. CURTIS of the CLASSIC GROUP representing ANNE M. & JAMES DAVIS requesting a SPECIAL PERMIT/SITE PLAN APPROVAL to renovate an existing carriage house for use as a private garage that will exceed 700 square feet and have the capacity to store up to five automobiles and for a second-floor game room at 48 SARGENT STREET, Ward 7, Newton, on land known as Sec 73, Blk 8, Lot 9, containing approximately 92,555 sf of land, in a district zoned SINGLE RESIDENCE 1.

CC: Mayor David B. Cohen

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information that will be presented at or after the public hearing that the Land Use Committee will consider in its discussion at a subsequent Working Session.

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### **EXECUTIVE SUMMARY**

**The petitioner proposes to renovate an existing carriage house for accessory uses including a pool house, game room, and antique car display. A special permit is required for an additional private garage for a single family dwelling exceeding 700 sq. ft. in area, and with vehicle capacity exceeding 3 vehicles, and with habitable space above the 18 ft. height limitation.**

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## I. BACKGROUND

The existing carriage house was constructed in approximately 1917-18. The petitioner is proposing to renovate the structure as a pool house, game room, and as a garage for the display of antique cars. The first floor is proposed to include changing rooms, showers, back-up generator, pool equipment, and a 1,282 sq. ft. bay for the display of up to 5 antique vehicles. The second floor is to be used as a game room with a wet bar. As part of the renovation the petitioner has obtained permission from the Newton Historical Commission to demolish a portion of the structure formerly containing a heating plant. Though the petitioner is proposing to install a skylight, there will be no additions to the footprint of the building or changes to the height of the building.

The petitioner currently has a building permit for work on the new main house, which is being constructed by right. An attached garage serves the main house; however, the petitioner seeks to use the existing carriage house to display up to 5 antique cars, part of the owner's personal collection. Additional cars are stored off-site.

## ELEMENTS OF THE PETITION

The petitioner is seeking a special permit to use an existing carriage house as a second garage (the primary garage is attached to the new main house). The second garage will exceed the 700 sq. ft. area limit, and the 3-vehicle capacity per garage. The applicant states that the purpose of this additional garage is for the display of antique vehicles for personal enjoyment only, and that up to five vehicles will be rotated in from time to time from an off-site location. The carriage house would also contain accessory uses and include habitable space within the second level partially above the 18 ft. height limitation, for which the petitioner also needs a special permit.

## **III. ZONING RELIEF BEING SOUGHT**

***Based on the Chief Zoning Code Official's (CZCO) written determination (SEE ATTACHMENT "A "). the petitioner is seeking relief from or approvals through the following sections of the Zoning Ordinance:***

- ***Section 30-8(b)(7), Section 30-15(m)(2), and Sections 30-15(m)(5)a), b), and c) for:***
- ***approval of an additional private garage and garage area in excess of 700 sq. ft.;***
  - ***a private garage for more than 3 automobiles;***
  - ***approval of habitable space within a second level partially above the 18 ft. height limitation;***

***Section 30-15, Table 1, Footnote 5 for Section 30-23 for Site Plan Approval; and  
Section 30-24(d) for Special Permit Approval.***

The CZCO initially stated in his report that the petitioner also required approval of FAR exceeding the 0.2 limit for lots subject to post-1953 requirements, per Section 30-15, Table 1. After further review the CZCO is satisfied that the FAR for the subject property does in fact meet the post-1953 requirements and that zoning relief for FAR no longer applies to this petition.

#### **IV. SIGNIFICANT ISSUES FOR CONSIDERATION**

*In reviewing this petition, the Board of Aldermen should consider the following:*

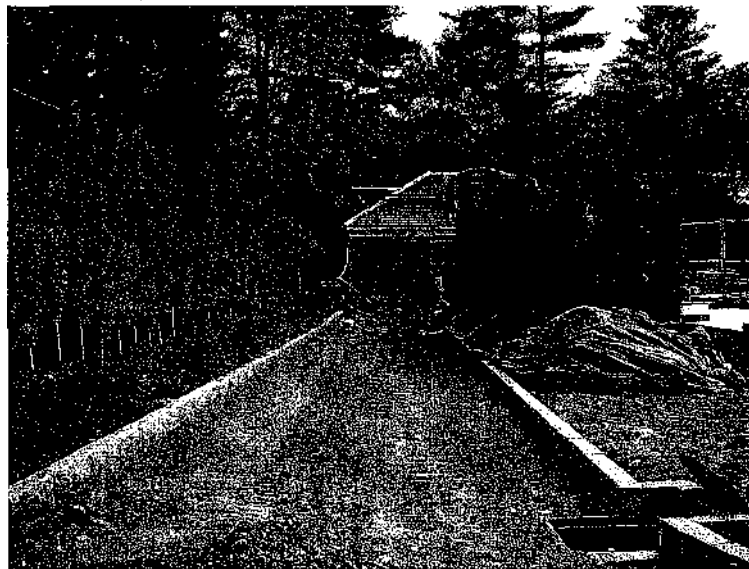
- > Whether the size or number of garages on this site will have any adverse impacts on the surrounding neighborhood.*
- > Whether the existence of habitable space within the detached structure above 18ft. will have any adverse impacts on the surrounding neighborhood*

#### **V. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD**

##### **A. Site**

The 92,555 sq. ft. site is located at the corner of Sargent and Park Streets in Newton Corner. The property was formerly the site of a Swedenborgian seminary, and is currently being developed with a new single-family house that is being completed as of right. The site also contains a pre-existing carriage house. Construction on the main house is well underway and is expected to be substantially completed by the end of October 2006. The site also contains a pool area and significant landscaping.

According to submitted plans, the site consists of two parcels. As a result, the site contains an existing internal lot line. The existing carriage house straddles this internal lot line causing multiple non-compliant conditions as to setbacks. The applicant has provided a plan proposing to merge the two parcels and remove the internal lot line, which would become official, once recorded at the Middlesex South Registry of Deeds. Merger of the lots will eliminate any non-compliance.



**Figure 1. Looking down area of proposed grass pavers to carriage house.**

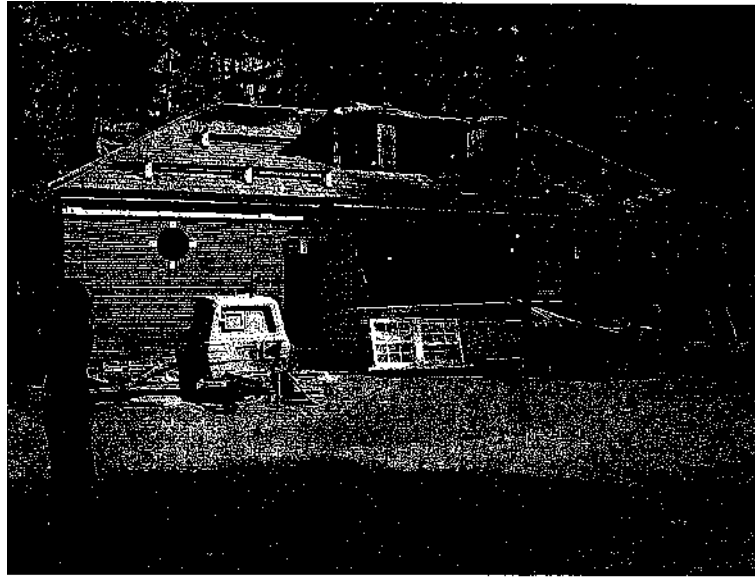


Figure 2. West facade of carriage house and main garage entrance.

B. Neighborhood

The property is located in a Single Residence 1 District. Single-family residences abut the site on the north and east. In general, the neighborhood could be characterized as containing large single-family homes on large lots, however there are two multi-family dwellings in parcels on Waverley Avenue.

VI. ANALYSIS

A. Technical Considerations, Sec.30-20(1)

The following table compares the proposed existing carriage house with the requirements for post-53 lots of the Sign Ordinance:

Setbacks for Accessory Bldgs		
Front	40 ft.	—300 ft.
Side (west)	5 ft.	—50 ft.
Side (east)	5 ft.	8.16 ft.
Rear	5 ft.	7.34 ft.
Building height	18 ft. for habitable space.	15 ft. 8 inches to midpoint <b>20 ft. 6 inches to ridge</b>
Max. # of stories	1 1/2-stories	1 1/2-stories
Garage Floor Area	No more than 700 s.f.	<b>695.5 sf (main house)</b> <b>1,282.0 sf (carriage house)</b> <b>1,977.5 sf total garage area</b>
# of stalls in carriage house	Up to 3 stalls	<b>Up to 5</b>
# of garages overall on site	1	2
FAR	.20	.19
Max. Lot coverage	15%	13.4%
Min. Open space	70%	71.07%

As previously noted the petitioner needs a special permit for a second garage, a garage area greater than 700 sq. ft., a garage to accommodate more than 3 cars, and for habitable space over the 18 ft height limitation.

B. Relevant Site Plan Approval Criteria, Sec.30-23

1. Convenience and safety of vehicular and pedestrian movement within the site

Sargent Street wraps around two sides of the property, the western and northern property lines. Previously there was access from Sargent Street along the western property line with a driveway leading directly to the carriage house. Submitted site plans indicate the petitioner will only have access from Sargent Street along the north property line. One long driveway will access the main house and garage and will continue along the eastern property line to the carriage house. The portion of the driveway between the house and the carriage house will be surfaced with grass pavers. The surface then changes to a rubberized athletic surface, which is part of a planned V2 basketball court that abuts the carriage house on two sides. ***The Planning Department does not foresee any vehicular or pedestrian conflicts as a result of the renovation of the carriage house with display garage space.***

In a letter received September 28, 2006, the Fire Department states that the plans for the detached garage and pool house at 48 Sargent Street meet with the approval of the Fire Department for accessibility and water. It also states that "if gasoline is going to be stored in the vehicles, a license and registration would be required from the Fire Department." ***The petitioner is expected to clarify if gasoline will be stored in the vehicles (in the display or not).***

2. Consideration of Site Design

The petitioner is proposing to renovate the existing carriage house on-site. The petitioner's lot is over 2 acres in size, and the carriage house is in the southeast corner of the lot. Prior to the current owners, the carriage house was accessed from the west side of the lot via a long driveway. During construction of the new house this driveway was used as a construction entrance. At the conclusion of the construction program the driveway will be removed and the area will be entirely re-landscaped. The existing carriage house will not be accessible by a paved driveway. All access will be via surfaces (grass pavers and rubberized athletic surface) that would be used by vehicles only intermittently.



Figure 3. Construction driveway to be re-landscaped

The garage doors are located on the west side of the carriage house, which relates the location of the original driveway. The carriage house is setback considerably from Sargent Street. Only a small portion of the carriage house should be visible from Sargent Street once the construction driveway is eliminated and the proposed landscaping completed.

The subject property is actually two lots that must be merged in order to avoid any setback encroachments. The resulting new lot must comply with post-1953 lot standards, including an FAR of 0.2. The Chief Zoning Code Official is satisfied that the merged lot will meet the post-1953 requirements for FAR.

Drainage plans for the site were reviewed and approved by the Associate City Engineer for the building permit. The plans have not changed since his approval.

3. Avoidance of the removal or disruption of historic resources on or off-site.

The petitioner received approval from the Newton Historical Commission in 2005 to demolish a one-story addition to the existing carriage house (*SEE ATTACHMENT "By.* Renovation of the structure includes relocation of some window and door openings, replacement of the slate roof, and installation of a skylight Pool equipment and a back-up generator will also be housed within the carriage house, but with separate entrances from the display area. Once renovations are completed the exterior will be covered in stucco.

The petitioner requires a special permit to exceed the 18 height limit for habitable space in an accessory building. ***Because the carriage house is a pre-existing building the Planning Department believes this is a reasonable request. The existence of the game room on the second floor should have no adverse impact on adjacent properties.***

C. Relevant Special Permit Criteria, Sec.30-24

1. The specific site is an appropriate location for such use/structure.

The proposed display garage will be within an existing carriage house on-site. Because the garage is meant more for a gallery-like display of vehicles, rather than as a garage for the daily movement of cars, it should have no impact on the surrounding neighborhood. The vehicles to be stored are part of a larger collection, the majority of which are stored off-site at a specialized facility. The carriage house will not be used for maintenance or sales. *The Planning Department supports the preservation of this structure with an appropriate re-use.*

2. The use as developed and operated will not adversely affect the neighborhood.

The carriage house will not be used as the primary garage for the property. The house under construction at the site has an attached 3-car garage for the owner's everyday vehicle use. The proposed additional garage will be located in a building that has existed at the site for nearly 90 years. The garages belonging to the neighbors at 86 Sargent Street and 28 Sargent Street sit between the neighbor's homes and the subject carriage house. The neighbors will likely be unaware of any activity occurring within the carriage house.

The petitioner stated to the Planning Department that only residential type wall-mounted lighting fixtures will be attached to the exterior of the carriage house, and only on the west and north sides, facing into the main lawn area of the property. The lights should not impact the immediate neighbors. No spotlights will be used to light the entrances to the carriage house or the half-court basketball court.

VII. SUMMARY

The use of the carriage house as a secondary garage with limited access, on this large of a lot, should have little or no impact on the surrounding neighborhood. Its location well away from other residential structures will keep incursions from light or noise to a minimum. The structure will be renovated and maintained to a high level and preserved as the only remaining structure from the original Swedenborgian seminary property.

*If the petitioner intends to store gasoline in the vehicles stored in the secondary garage, the appropriate license and registration must be received from the Fire Department.*

*Approval of the petitioner's request should be conditioned on the merger of the two existing lots into a single parcel.*

ATTACHMENTS

ATTACHMENT A : Zoning Review Memorandum, August 2, 2006

ATTACHMENT B: Newton Historical Commission Record of Action, September 23, 2005.

# *Zoning Review Memorandum*

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Dt: August 2, 2006

To: Anne M. & James Davis, owners  
 Bill Curtis, Capital Group, Inc., representing owners

Fr: juris Alksnitis, Chief Zoning Code Official



Cc: Michael Kruse, Director, Department of Planning and Development  
 John Lojek, Commissioner of Inspectional Services

RE: Request to renovate carriage house for pool house, additional garage and various amenities.

<b>Applicant</b>	<b>: Anne &amp; James Davis c/o Capital Group, Inc.</b>
Site: 48 Sargent St.	SBL: Section 73, Block 08, Lot 09
Zoning: SR-1	Lot Area: 92,555 sq. ft. [Parcels 1 & 2] per survey
Current use: Shop/storage	Prop. use: Poolhouse, garage, game room.

## Background:

The existing carriage house was constructed approximately during 1917-18. Prior to purchase by the current owner Dec. 28, 1999, the carriage house was used as a library (1<sup>st</sup> floor) and office (2<sup>nd</sup> floor) in conjunction with the New Church Theological School (Swedenborgian) seminary. While at the present time the carriage house is used for storage and recently served as a woodworking shop for construction work at the new main house, the petitioner wishes to renovate the structure for accessory uses such as pool house, game room, and antique car display area. As part of the project, the applicant has obtained Newton Historical Commission approval to demolish that portion of the structure formerly containing a heating plant. The first floor is proposed to house changing rooms, showers, generator, pool equipment, etc. and a 1278 sq. ft. bay for the display of 4-5 antique vehicles. The second floor is proposed to be used as game room with a wet bar.



While a current skylight will be enlarged, no changes in height or the building envelope are proposed. Extra garages accommodating more than 3 vehicles exceeding 700 sq. ft. require grant of a special permit by the Board of Aldermen.

Administrative determinations:

1. While the Zoning Review was originally initiated 8/22/05, the applicant provided various needed information over an extended time period, and recently submitted the remaining information necessary to complete this Zoning Review.
2. The Newton Zoning Ordinance Sections 30-8(b)(7) and 30-15(m)(5) regulate construction of garages exceeding one garage per single-family dwelling, garages that accommodate more than 3 vehicles, and garages that exceed 700 sq. ft. in floor area. As the applicant seeks to provide an additional garage (main house is served by an attached garage) exceeding all of the above, this necessitates a special permit from the Board of Aldermen. Although a number of special permits were granted by the Board of Aldermen in the 1960's pertaining to use of the main house (now demolished) as a dormitory for the New Church Theological School, the preceding use of the carriage house for library and office purposes apparently did not involve such permits.
3. The most recent deed, and also plan provided by the applicant titled "Certified Plot Plan of Land Located in Newton, Massachusetts " dated July 13, 2005, revised 10/20/05, prepared by GEOD Consulting indicate that the site consists of two parcels. As a result, the site contains an existing internal lot line. The existing carriage house straddles this lot line and causes multiple non-compliant conditions as to setbacks. This matter was also discussed in a letter to Kevin Vician, dated April 8, 2003 from then Zoning Administrator Peter Bronson. The applicant has provided a plan titled "Plan of Land Located In Newton, Massachusetts prepared for Anne M. Davis" dated March 1, 2006, by GEOD Consulting, stamped and signed 7/31/06 by Gregory Wilson, Registered Professional Land Surveyor proposing to merge the two parcels, thereby removing the internal lot line. The merger will become official once recorded at the Middlesex South Registry of Deeds. In the interim, it is recommended that any approval granted by the Board of- Aldermen be conditioned subject to the recording of the above-referenced new plan.

4. Section 30-15(p) establishes that lots recorded after September 16, 1996 are subject to certain maximum Build Factor, (BF) thresholds, depending on the zone wherein located. The proposed combined lot has a BF of 5, which meets the SR-1 BF limit of 30.
5. The change in lot lines as discussed above is also subject to the requirements of Section 30-26. Review of the proposed change indicates Section 30-26(b)(5) and (6) apply and that the proposed new lot, when merged, would acquire the status of a post-53 lot. This was explained to the applicant's representative on 11/10/05. As a result, the combined lot will become subject to the applicable "new lot" requirements in Section 30-15, Table 1, *Density & Dimensional Controls in Residence Districts and for Residential Uses* (Table 1).

When the lesser combined lot area of 92,555 sq. ft. (per the most current survey plan) is applied to the FAR calculation provided on initially submitted plans (which utilized the combined lot area previously given as 93,461 sq. ft.), the FAR is revised upward from .22 to .225, which still meets the pre-53 FAR limit of .25. However, with the recording of the merged lot, the post-53 FAR of .20 would apply, thereby causing the FAR to become nonconforming. This purely technical issue may be addressed by requesting zoning relief pursuant to Table 1, Footnote 5 which allows the Board of Aldermen to "...allow an increased FAR by special permit.." provided the improvement is in scale with the neighborhood. Alternatively, the applicants may wish to review their initial FAR calculations to ascertain whether refinement of building gross floor area data might bring the FAR within the .20 limit.

6. The subject carriage house pre-dates the Newton Zoning Ordinance, adopted in 1922, and also the dimensional requirements set forth in Sec 30-15(m) for accessory buildings. However, it does meet rear and side setback requirements pertaining to Parcel #2 and the side setback requirement for Parcel #1. With the elimination of the internal lot line as noted above, any non-compliant setbacks on both sides of this lot line will also be eliminated. Proposed work will not alter the height of the existing structure. However, Section 30-15(m)(2) precludes habitable space within an accessory building above 18 ft. unless a special permit is granted by the Board of Aldermen. The proposed game room will in part be located above 18 ft., necessitating a special permit.

7. Section 30-19(d)(1) and (g) set out the applicable parking and driveway requirements. Sufficient in-door parking has been provided for the main house in an attached garage meeting the requirements of 30-8(b)(7), and the driveway design meets applicable dimensional requirements. This work was approved under the building permit for as-of-right construction of the main house.

The proposed work at the carriage house will increase the number of garages on site, will exceed the 700 sq. ft. limit for garages, and will also exceed the 3-vehicle capacity per garage. The applicant states that the purpose of this additional garage is for the display of antique vehicles for personal enjoyment only, and that up to five vehicles will be rotated in from time to time from an offsite location. It is noted that as the commercial sale of vehicles is not allowed in a residential zone, any display activity connected with the marketing and sale of vehicles would violate the Zoning Ordinance and would become subject to enforcement.

8. The applicant states on plan that none of the proposed work will result in a change of grade exceeding 3 ft. As a result, Section 30-5(b)(4) requiring approval by the Board of Aldermen for a grade change exceeding 3 ft. does not apply.
9. See "Zoning Relief Summary" below.

<b>Zoning Relief Summary</b>		
<b>Ordinance</b>		<b>Action Required</b>
	<b>Accessory Building</b>	
30-15(m)(2)	Approval of habitable space within second level (game-room, etc.) partially above 18 ft. height limitation.	X
	<b>Garage</b>	N/A
30-8(b)(7) 30-15(m)(5)a)	Approval of an additional private garage per single-family dwelling.	X
30-8(b)(7) 30-15(m)(5)b)	Approval of a private garage for up to 5 automobiles.	X
30-8(b)(7) 30-15(m)(5)c)	Approval of a private garage exceeding 700 sq. ft. in floor area.	X

<i>Ordinance</i>	<b><i>Zoning Relief Summary (Cont.)</i></b>	
	<b><i>Actions</i></b>	<b><i>Require<sup>o</sup></i></b>
<b>Table 1, Density &amp; Dimensional Controls</b>		
30-15, Table 1, Footnote 5	Approval of FAR exceeding .20 limit for lots subject to • ost-1953 re. uirements.	X
	<b>Site</b>	
30-23	Site plan approvalb.	X
	<b>Special Permit</b>	
30-24(d)	Approval of special permits: for additional garage for a single family dwelling and having floor area exceeding 700 sq. ft., with vehicle capacity exceeding 3 vehicles (up to 5 vehicles) and for FAR exceedin • .20.	X

Plans reviewed:

- Plans titled "Carriage House Renovation, 48 Sargent Street, Newton, MA" dated 8/25/05, prepared by The Classic Group, Inc., 420 Bedford St., Lexington, MA 02420-1506, stamped and signed by William S. Curtis, Registered Architect, consisting of the following:
  - Sheet A1.10 - First Floor Key Plan
  - Sheet A1.20 - Second Floor Key Plan
  - Sheet A2.00 - Exterior Elevations
  - Sheet L-01 - Landscape Plan, prepared by Paul Mauer Associates, Landscape Architects, bearing no stamp or signature.
- Plans titled "48 Sargent Street, Newton, MA" dated 4/11/06, last revised 5/16/06, prepared by The Classic Group, Inc., 101 Walnut St., Watertown, MA 02472-4026, stamped and signed by William S. Curtis, Registered Architect, consisting of the following:
  - Sheet A1.00 - Foundation Plan
  - Sheet A1.10 - First Floor Plan
  - Sheet A1.20 - Second Floor Plan
  - Sheet A1.30 - Roof Plan
  - Sheet A2.00 - Exterior Elevations
  - Sheet A3.00 - Building Sections
  - Sheet A4.01 - Exterior Details
  - Sheet A4.02 - Dormer Curved Roof
  - Sheet A4.03 - Misc. Details
  - Sheet A5.01 - Stair Detail

- Plan titled "Certified Plot Plan of Land located in Newton, Massachusetts (Middlesex County) prepared, for The. Classic Group, Inc." dated July 13, 2005, rev. 10/20/05 prepared by GEOD Consulting, 24 Ray Avenue, Burlington, MA 01803, stamped and signed by Gregory C. Wilson, Registered Professional Land Surveyor 7/19/05.
- Plan titled "Plan of Land Located In Newton, Massachusetts prepared for Anne M. Davis" dated March 1, 2006, by GEOD Consulting, 24 Ray Avenue, Burlington, MA 01803, stamped and signed by Gregory C. Wilson, Registered Professional Land Surveyor 8/2/06.



David B. Cohen  
Mayor

## CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development

Michael J. Kruse, Director

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### RECORD OF ACTION

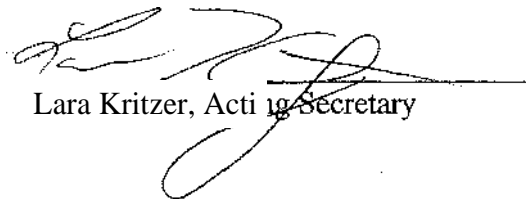
**DATE:** September 23, 2005

**SUBJECT:** 48 Sargent Street — Demolition Review — Addition to North Facade of the Carriage House

At a scheduled meeting and public hearing on September 22, 2005 the Newton Historical Commission, by a vote of 5 to 0, passed the following motion:

RESOLVED to find the one-story addition to the north façade of the ca. 1917 Colonial Revival style Carriage house to be **Not Preferably Preserved** as it does not contribute to the design of the building and is not original to the structure.

Voting in the Affirmative: John Rodman, Chairman; Rodney Barker, Charles McMillan, Nancy Grissom, Donald Lang



Lara Kritzer, Acting Secretary